

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM A. HIMCHAK, III	:	CIVIL ACTION NO. 1:14-cv-2394
	:	
Plaintiff	:	(Judge Kane)
	:	(Magistrate Judge Mehalchick)
v.	:	
	:	
DANIEL DYE, et al.	:	
	:	
Defendants	:	

ORDER

Before the Court in the above-captioned action is the April 8, 2016 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

AND NOW, on this 28th day of April 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation (Doc. No. 31) of Magistrate Judge Mehalchick.
- 2) Defendants' motion to dismiss (Doc. No. 18) is **GRANTED**;
- 3) Plaintiff's complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915A(a) and 28 U.S.C. § 1915(e)(2);
- 4) Plaintiff's claims against Judges Douglas Herman, Angela Krom, and Carol Van Horn are **DISMISSED with prejudice** as barred by the doctrine of absolute judicial immunity and Eleventh Amendment immunity;
- 5) Plaintiff's claims against District Attorney Matthew D. Fogal and Assistant District Attorney Zachary Mills are **DISMISSED with prejudice** as barred by the doctrine of absolute prosecutorial immunity;
- 6) Plaintiff's claims asserted under the Universal Declaration of Human Rights

are **DISMISSED with prejudice**;

7) Plaintiff's claims under the RICO Act, 18 U.S.C. § 1957, are **DISMISSED with prejudice**;

8) All claims brought under 42 U.S.C. § 1983 against non-state actors David R. Erhard, Steve Rice, and Meghann O'Reilly Karasic are **DISMISSED with prejudice**;

9) Plaintiff's claims against Police Chief David Arnold are **DISMISSED with prejudice** for lack of personal involvement;

10) Plaintiff's Fourth Amendment claims against Sergeant Matthew Cody are **DISMISSED with prejudice** for failure to state a claim;

11) The Clerk's office is directed to remove and dismiss Daniel Dye, Craig Bowman, Robert Johnson, Michael Toms, Scott Thomas, Todd Sponseller, Todd R. Williams, David L. Plum, Larry G. Pentz, Gerard N. Mangieri, Mallary Willatt, the Public Opinion Newspaper, the Franklin County Court of Common Pleas, and the Pennsylvania State Police from the caption and action;

12) Plaintiff's motion for a writ of mandamus (Doc. No. 27), and motion for a hearing on the motion for a writ of mandamus (Doc. No. 29) are **DENIED**;

13) Plaintiff's motion for emergency injunctive relief (Doc. No. 24) is **DENIED**;

14) The Clerk of Court shall **CLOSE** this case.

S/ Yvette Kane
YVETTE KANE, District Judge
United States District Court
Middle District of Pennsylvania